



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/887,549	06/25/2001	Irit Loy	LOY=4	5844

1444 7590 12/23/2003

BROWDY AND NEIMARK, P.L.L.C.  
624 NINTH STREET, NW  
SUITE 300  
WASHINGTON, DC 20001-5303

EXAMINER

LEROUX, ETIENNE PIERRE

ART UNIT	PAPER NUMBER
----------	--------------

2171

DATE MAILED: 12/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/887,549

Applicant(s)

LOY ET AL.

Examiner

Etienne P LeRoux

Art Unit

2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) 14-39 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4,8.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

Art Unit: 2171

***Election/Restrictions***

Claims 14-39 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Applicant timely traversed the restriction (election) requirement in Paper No. 7.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Art Unit: 2171

1. Claims 1, 2, 3, 5 and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat No 5,897,638 issued to Lasser et al (hereafter Lasser '638) in view of technical paper titled The Data Management Applications Programming Interface by Peter Lawthers (hereafter Lawthers).

Claim 1:

Lasser '638 discloses:

- initiating a data management application in the cluster using a data management application programming interface of the parallel file system [multifile system 10 per Fig 1 and col 5, lines 14-28]
- receiving a request submitted to the parallel file system on one of the nodes to perform an operation on a file in one of the volumes of data storage [subroutines 4 per Fig 1]
- obtaining a data management access right from the DMAPI responsive to the request [subroutines 4 per Fig 1 and col 5, lines 20-29]
- performing the operation on the file using the access right [col 5, lines 32-49].

Lasser '638 discloses the elements of claim 1 per the above.

Lasser '638 fails to disclose a data management application program interface (DMAPI)

Lawthers discloses a data management application program interface (DMAPI)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lasser '638 to include a data management application program interface (DMAPI) as taught by Lawthers [abstract].

Art Unit: 2171

The ordinarily skilled artisan would have been motivated to modify Lasser '638 per the above for the purpose of enhancing portability of applications across different platforms [Lawthers – abstract].

Claim 2:

The combination of Lasser '638 and Lawthers discloses wherein initiating the data management application comprises creating a session of the data management application on a session node selected from among the nodes in the cluster, and wherein obtaining the data management access right comprises obtaining the right at the session node [page 329, Sessions, Lawthers].

Claim 3:

The combination of Lasser '638 and Lawthers discloses:

- wherein receiving the request comprises generating an event responsive to the request, and [subroutines 4 per Fig 1 and col 5, lines 20-29, Lasser '638]
- wherein obtaining the right at the session node comprises associating a DM token with the right at the session node for use in invoking a function to be applied to the file and associating the token with the event [General Expression 45 per Fig 4 and col 10 lines 55-58, Lasser '638]
- wherein performing the operation comprises migrating data at a plurality of the nodes simultaneously by presenting the token in connection with the DMAPI function [General Expression 45 per Fig 4 and col 10 lines 55-58, Lasser '638]

Art Unit: 2171

- wherein initiating the data management application comprises initiating a data migration application, so as to free storage space on at least one of the volumes of data storage [page 330, Data Control, second paragraph, Lawthers]

Claim 5:

The combination of Lasser '638 and Lawthers discloses wherein obtaining the data management access right comprises acquiring a data management lock on the file, so as to restrict other data management and file operations on the file while the lock is held [col 7, lines 13-21, Lasser '638].

Claim 11:

The combination of Lasser '638 and Lawthers discloses wherein acquiring the data management lock comprises selecting the lock from a table of locks provided for both file operations and data management operations [page 330, Data Control, Lawthers].

Claim 12:

The combination of Lasser '638 and Lawthers discloses wherein performing the operation comprises calling a DMAPI function to perform a data management operation, and wherein acquiring the data management lock comprises acquiring, in a course of executing the DMAPI function, one of the locks provided for the file operations for the duration of the DMAPI function, so as to enable calling the DMAPI function without presenting a DM token [Lasser '638, col 7, lines 13-21 and Lawthers ].

Art Unit: 2171

Claim 13:

The combination of Lasser and Lawthers discloses wherein acquiring the data management lock comprises providing the data management lock within a hierarchy of locks supported by the parallel file system [page 327, What's the problem?, Lawthers].

2. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Lasser '638 and Lawthers in view of Pub No US 2003/0128687 issued to Worfolk et al (hereafter Worfolk '687).

Claim 4:

The combination of Lasser '638 and Lawthers discloses the elements of claims 1 and 2 as noted above.

The combination of Lasser '638 and Lawthers fails to disclose wherein receiving the request comprises receiving an invocation of a file operation submitted to the parallel file system by a user application on a source node, and sending a notification of a DM event to the session node responsive to the request, and wherein obtaining the right at the session node comprises processing the event at the session node subject to the access right [paragraph 43]

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Lasser '638 and Lawthers to include wherein receiving the request comprises receiving an invocation of a file operation submitted to the parallel file system by a user application on a source node, and sending a notification of a DM event to the session node responsive to the request, and wherein obtaining the right at the session node

Art Unit: 2171

comprises processing the event at the session node subject to the access right as taught by  
Worfolk '687.

The ordinarily skilled artisan would have been motivated to modify the combination of  
Lasser '687 and Lawthers per the above for the purpose of optimizing throughput of a network  
[abstract, Norfolk '687].

3. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over the  
combination of Lasser '638 and Lawthers in view of US Pat No 6,289,464 issued to Wecker et  
al (hereafter Wecker '464).

Claim 6:

The combination of Lasser '638 and Lawthers discloses the elements of claims 1 and 5 as  
noted above.

The combination of Lasser '638 and Lawthers fails to disclose wherein the operation is a  
data management operation, and wherein acquiring the data management lock comprises holding  
the lock over a sequence of multiple kernel calls in the parallel file system.

Wecker '464 discloses wherein the operation is a data management operation, and  
wherein acquiring the data management lock comprises holding the lock over a sequence of  
multiple kernel calls in the parallel file system [col 19, lines 9-11].

It would have been obvious to one of ordinary skill in the art at the time the invention  
was made to modify the combination of Lasser '638 and Lawthers to include wherein the  
operation is a data management operation, and wherein acquiring the data management lock



Art Unit: 2171

comprises holding the lock over a sequence of multiple kernel calls in the parallel file system as taught by Wecker '464.

The ordinarily skilled artisan would have been motivated to modify the combination of Lasser '638 and Lawthers per the above for the purpose of system initialization [col 18, line 61].

Claim 7:

The combination of Lasser '638 and Lawthers discloses the elements of claims 1 and 5 as noted above.

The combination of Lasser '638 and Lawthers fails to disclose wherein the operation is a file operation, and wherein acquiring the data management lock comprises holding the lock for a single kernel call in the parallel file system.

Wecker '464 discloses wherein the operation is a file operation, and wherein acquiring the data management lock comprises holding the lock for a single kernel call in the parallel file system [col 19, lines 9-11].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Lasser '638 and Lawthers to include wherein the operation is a file operation, and wherein acquiring the data management lock comprises holding the lock for a single kernel call in the parallel file system as taught by Wecker '464.

The ordinarily skilled artisan would have been motivated to modify the combination of Lasser '638 and Lawthers per the above for the purpose of system initialization [col 18, line 61, Wecker]

Art Unit: 2171

4. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Lasser '638, Lawthers and Wecker '464 and further in view of US Pat No 6,625,601 issued to Molloy (hereafter Molloy '601).

Claim 8:

The combination of Lasser '638, Lawthers and Wecker '464 discloses the elements of claims 1, 5 and 7 as noted above.

The combination of Lasser '638, Lawthers and Wecker '464 fails to disclose wherein the file operation is one of a plurality of file operations to be performed on the file, and wherein acquiring the data management lock comprises allowing the plurality of file operations to hold respective data management locks simultaneously without mutual conflict.

Molloy '601 discloses wherein the file operation is one of a plurality of file operations to be performed on the file, and wherein acquiring the data management lock comprises allowing the plurality of file operations to hold respective data management locks simultaneously without mutual conflict [releasing any exclusive and shared lock associated with the identified transaction per claim 36].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Lasser '638, Lawthers and Wecker '464 to include wherein the file operation is one of a plurality of file operations to be performed on the file, and wherein acquiring the data management lock comprises allowing the plurality of file operations to hold respective data management locks simultaneously without mutual conflict as taught by Molloy '601.

Art Unit: 2171

The ordinarily skilled artisan would have been motivated to modify the combination of Lasser '638, Lawthers and Wecker '464 for the purpose of controlling access to a dictionary in a data processing system operating in a distributed transaction framework [claim 36].

5. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Lasser '638 and Lawthers and further in view of Molloy '601.

Claim 9:

The combination of Lasser '638 and Lawthers discloses the elements of claims 1 and 5 as noted above.

The combination of Lasser '638 and Lawthers fails to disclose wherein acquiring the data management lock comprises acquiring an exclusive lock.

Molloy '601 discloses wherein acquiring the data management lock comprises acquiring an exclusive lock [claim 36].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Lasser '638 and Lawthers to include wherein acquiring the data management lock comprises acquiring an exclusive lock as taught by Molloy.

The ordinarily skilled artisan would have been motivated to modify the combination of Lasser '638 and Lawthers per the above for the purpose of controlling access to a dictionary in a data processing system operating in a distributed transaction framework [claim 36].

Claim 10:

The combination of Lasser '638 and Lawthers discloses the elements of claims 1 and 5 as noted above.

Art Unit: 2171

The combination of Lasser '638 and Lawthers fails to disclose wherein acquiring the data management lock comprises acquiring a shared lock.

Molloy '601 discloses wherein acquiring the data management lock comprises acquiring a shared lock [claim 36].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Lasser '638 and Lawthers to include wherein acquiring the data management lock comprises acquiring an exclusive lock as taught by Molloy .

The ordinarily skilled artisan would have been motivated to modify the combination of Lasser '638 and Lawthers per the above for the purpose of controlling access to a dictionary in a data processing system operating in a distributed transaction framework [claim 36].

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne LeRoux whose telephone number is (703) 305-0620. The examiner can normally be reached on Monday – Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (703) 308-1436.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.


Art Unit: 2171

Patent related correspondence can be forwarded via the following FAX number (703)

872-9306

Etienne LeRoux

12/10/2003



SAFET METJAHIC  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2171